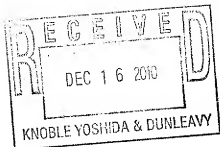




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Fax Cover Sheet

Date: Dec. 16, 2010

To: John Knoble	From: Karen Young
Application/Control Number: 09/902,965	Art Unit:
Fax No.: 215-599-0601	Phone No.: 571-272-3750
Voice No.:	Return Fax No.: 571-273-0275
Re: MB1-1067	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

Comments

Per our discussion, please see the attached comments. Additionally, please note claim 12, line 1, "said frictional means" lacks antecedent basis. Please contact Mike Hayes once you have had an opportunity to review this at 571-272-4959.

Thank you,

Number of pages 5, including this page

STATEMENT OF CONFIDENTIALITY

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Assistant Commissioner for Patents

Reissue 09/902,965***Declarations***

The reissue oath/declarations filed by Applicants are defective for the reasons described below.

The reissue oath/declaration filed 7/02/2004 is defective because none of the errors which are relied upon to support the reissue application are errors upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414. The described corrections of changing "nipple support members" to "ring support members" and including a literal antecedence for a predetermined plane of rotation in which pegs are constrained are not "errors" that show that Applicants claimed more or less than they had a right to claim (i.e., the described "errors" do not change the scope of the original patent, but appear to be editorial corrections). Furthermore, the description of the "predetermined plane of rotation" was either in the original specification or could not be added as new matter in this reissue. Spelling and minor corrections, which do not cause the patent to be wholly or partly inoperative or invalid for reasons in 35 U.S.C. § 251 do not support a reissue application. Finally, Applicants do not specifically describe any errors under 35 U.S.C. § 112 relating to the original patent claims that are corrected in the reissue application.

The declaration filed 7/16/2002 is defective because it does not identify the correct patent for which reissue is sought. Rather, the declaration points to patent number 6,038,784.

The declaration filed 7/11/2001 is defective because it does not identify each inventor, as required by 37 CFR 1.63.

In addition, Applicants describe the patent as partly inoperative because they "claimed less than we were entitled to claim." (Declaration filed 7/02/2004). However, it is not seen how this reissue is a broadening reissue application. Specifically, Applicants have amended reissue claim 9 to include additional limitations than the claimed subject matter of U.S. Patent 6,125,548. Therefore, it appears that Applicants are narrowing the original patent claims (i.e., that Applicant had claimed *more* than they were entitled to claim). (See claim amendments filed 8/10/2007). If Applicant maintains that the reissue application is still a broadening reissue, it is requested that Applicants describe how the reissue application is broadening the claimed subject matter of the '584 patent. If Applicants are now actually narrowing the claimed scope of the '548 patent, the assignee of the entire title to the '548 patent can file a declaration with an appropriate specific error statement. (See MPEP 1410.01).

Claims 9-12 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

Copy of '548 Patent

Applicant should submit a copy of the printed patent for which reissue is requested. See MPEP 1410 and 37 CFR 1.173(a)(2).

The drawing sheets submitted 7/11/2001 and 7/16/2002 do not comply with 37 CFR 1.173 (a)(2) because they do not include the heading from the patent.

Similarly, there is no complete set of a copy of the specification, including the claims, from the original patent.

Amendments

Drawing Amendments

The amended drawing sheet submitted 7/02/2004 does not comply with 37 CFR 1.173(b)(3). Here, the drawing sheet that contains the amended figure should be labeled "Replacement Sheet" in addition to identifying the amended Figure 4 as "Amended."

Specification Amendments

The specification amendments filed 7/16/2002, 2/06/2003, and 7/02/2004 do not comply with 37 CFR 1.173(b)(1) because Applicants do not clearly describe where the original patent specification is amended. The insertion locations of amended paragraphs described in the above listed amendments do not appear to be relative to the original patent. Applicants should refer to the original patent to specify the precise point (i.e. column and line) where the amended paragraphs are located. It is recommended that Applicant only submit paragraphs that are amended relative to the original '548 patent.

Litigation

Applicants are reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 6,125,548 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicants are further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.